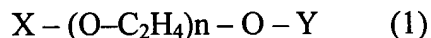


AMENDMENTS TO THE CLAIMS

The listing of claims below replaces all prior versions of claims in the application.

1. (Previously Presented): A lithium cell comprising a positive electrode, a negative electrode having lithium, a separator interposed between the positive electrode and the negative electrode, and a non-aqueous electrolytic solution containing a solute and a non-aqueous solvent, wherein:

the non-aqueous solvent has one or more than one compound represented by the following general formula (1), the one or more than one compound being a main component of the non-aqueous solvent, and the main component being 90% to less than 100% by volume of the total volume of the non-aqueous solvent,



(where X and Y are independently a methyl group or an ethyl group, and n is 2 or 3);

the separator has a melting point of higher than 185°C; and

the non-aqueous solvent includes cyclic ester carbonate or cyclic lactone, the cyclic ester carbonate or the cyclic lactone being a subsidiary component.

2. (Cancelled).

3. (Original): The lithium cell according to claim 1, wherein the solute is lithium bis

(trifluoromethanesulfonyl) imide or lithium bis (pentafluoroethanesulfonyl) imide.

4. (Original): The lithium cell according to claim 1, wherein the positive electrode includes a manganese oxide.

5. (Original): The lithium cell according to claim 4, wherein the manganese oxide is a spinel type lithium manganese oxide.

6. (New): The lithium cell according to claim 1, wherein the cell comprises:
a cell outer housing can encasing the positive electrode, the negative electrode, the separator and a non-aqueous electrolytic solution;
a cap;
an insulating gasket that insulates between the cell outer housing can and the cap,
wherein:

the insulating gasket has a melting temperature more than 185 °C.

7. (New): The lithium cell according to claim 4, wherein the manganese oxide is manganese dioxide.

8. (New): The lithium cell according to claim 1, wherein the negative electrode comprises a lithium-aluminum alloy.

9. (New): The lithium cell according to claim 8, wherein the cell comprises:
a cell outer housing can encasing the positive electrode, the negative electrode, the separator and a non-aqueous electrolytic solution;
a cap;
an insulating gasket that indicates between the cell outer housing can and the cap;
wherein:
the insulating gasket has a melting temperature more than 185 °C.

10. (New): The lithium cell according to claim 9, wherein the inner surface of the cap comprises aluminum.